

Serial No. 10/758,492

Resp. to Off. Act. of Apr. 19, 2005

UTILITY PATENT

B&D No. TN-09425C

During the interview, Applicant's attorney notified the Examiner that the pending claims were not copied from either Smith '688 or Smith '070, but were variations of the claims from those patents. In particular, the claims in the presently-pending application were originally the same as those in Smith '688 and Smith '070, but these originally filed claims were narrowed, thus constituting the claims now pending.

Applicant's attorney explained to the Examiner that Domes '059, Domes '925, Smith '070 and Smith '688, as well as the presently-pending application are owned by Black & Decker Inc. Applicant's attorney and the Examiner discussed the common ownership and Applicant's attorney stated that the claims should be allowable.

The interview lasted approximately 60 minutes. Once again, Applicant would like to thank the Examiner for providing Applicant with the opportunity to discuss these matters.

Response to Office Action Rejections

The Examiner rejected Claims 21-23, 28-32 and 36-44 under the doctrine of obviousness-type double patenting as being unpatentable over Claims 1-12 of Smith '688. In response, Applicant filed in the Previous Response a terminal disclaimer disclaiming the period of Smith '688 extending beyond the patent term of the present application, as Smith '688 has an effective filing date which is later than the earliest filing date of the present application. Such terminal disclaimer was accepted and approved by the PTO on July 11, 2005.

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In addition, the Examiner rejected Claims 24, 26-27 and 33-35 under the doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3 of Smith '070. In response, Applicant filed in the Previous Response a terminal disclaimer disclaiming the period of Smith '070 extending beyond the patent term of the present application, as Smith '070 has an effective filing date which is later than the earliest filing date of the present application. Such terminal disclaimer was accepted and approved by the PTO on July 11, 2005.

Conclusion

All the claims are patentable and the application is believed to be in condition for formal allowance. Accordingly, allowance of Claims 21-24 and 26-44 are respectfully requested.

No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this statement, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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